

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MICHAEL DAVID SILLS and MARY)	
SILLS,)	
)	
Plaintiffs,)	
)	Case No.: 3:23-cv-00478
v.)	
)	Judge William L. Campbell, Jr.
SOUTHERN BAPTIST CONVENTION, <i>et</i>)	Magistrate Judge Jeffery S. Frensley
<i>al.</i> ,)	
)	JURY TRIAL DEMANDED
Defendants.)	

PLAINTIFFS' MOTION FOR LEAVE TO FILE UNDER SEAL

Pursuant to L.R. 5.03 and L.R. 7.01 and the Agreed Protective Order (Dkt. No. 149), Plaintiffs respectfully submit this Motion for Leave to File Under Seal their Response to Defendant Executive Committee's Request for a Discovery Conference (Dkt. No. 217).

Plaintiffs' Response is due to be filed today, and there are a series of exhibits that EXECUTIVE COMMITTEE designated as Confidential under the Agreed Protective Order. (Dkt. No. 149). Specifically, Plaintiffs may attach to their Response and reference therein Documents produced by the EXECUTIVE COMMITTEE, including but not limited to those with Bates Numbers EC_0011696, EC_0011793, EC_0003072, EC_0007832, EC_0006093, EC_0011362, EC_0011396, EC_0011480, EC_0011497, EC_0011671. Plaintiffs will also attach transcripts. These materials are marked confidential.

Placing the materials in the docket would be improper under the agreement to maintain confidentiality, and no purpose would be served, at this time, by making public the exhibits or the references to them contained within the Response brief.

Plaintiffs will provide Defendants with a copy of the unsealed document after filing.

ARGUMENT

“[T]rial courts have always been afforded the power to seal their records when interests of privacy outweigh the public’s right to know.” *In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 474 (6th Cir. 1983). While the right of public access to judicial records is presumed, it is “not absolute.” *United States v. Beckham*, 789 F.2d 401, 410 (6th Cir. 1986). One exception to the “presumption in favor of openness . . . center[s] on the content of the information to be disclosed to the public.” *Rudd Equip. Co. v. John Deere Constr. & Forestry Co.*, 834 F.3d 589, 593 (6th Cir. 2016). “In determining the appropriateness of sealing court records under this exception, [courts] consider, among other things, . . . the privacy rights of participants or third parties[.]” *Id.* When this exception applies, “the seal itself must be narrowly tailored to serve that reason.” *Id.* at 594. (citation and quotation marks omitted).

Plaintiffs’ Response and potential supporting exhibits contain confidential information, including emails from several EXECUTIVE COMMITTEE employees, including Laura Erlanson, Jonathon Howe, and Jon Wilke. This Motion for Leave to Seal seeks to protect from disclosure materials that EXECUTIVE COMMITTEE designated as worthy of protection. Because of that designation, this information should be provisionally sealed, for now. Redaction of the documents would be impractical given the nature of the exhibits, namely, emails internal to EXECUTIVE COMMITTEE and emails from EXECUTIVE COMMITTEE to news media outlets.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant them leave to file under seal (a) the Exhibits to Plaintiffs' Response to Defendant's Motion (Dkt. No. 217) and, if it cannot be redacted, (b) the Response brief (if necessary).

Dated: March 27, 2025

Respectfully submitted,

By: /s/ Katherine B. Riley
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CERTIFICATE OF SERVICE

I, Katherine B. Riley, hereby certify that on March 27, 2025, I served the above and foregoing on all counsel of record via the Court's CM/ECF filing system.

/s/ Katherine B. Riley
Katherine B. Riley